

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

EYE CARE OF SNOHOMISH, INC.,

Plaintiff,

v.

CHEMAT TECHNOLOGY, INC., d/b/a
CHEMALUX, INC.,

Defendant.

No. 2:12-cv-00203-JCC

MOTION OF PERKINS COIE LLP
FOR LEAVE TO WITHDRAW

NOTE ON MOTION CALENDAR:
Friday, May 17, 2013

Perkins Coie LLP moves this Court, pursuant to Local Civil Rule 83.2(b), for leave to withdraw as counsel of record for defendant Chemat Technology, Inc. (“Chemat”). On April 16, 2013, and again on April 26, 2013, Perkins Coie served notice on defendant Chemat of Perkins Coie’s intent to seek leave to withdraw as counsel of record. *See* Declaration of Ryan Spear (“Spear Decl.”) ¶ 2, Ex. A & B. Perkins Coie advised Chemat that Chemat is required by law to be represented by an attorney admitted to practice before this Court and to maintain local counsel. *See id.* Ex. A.

Under Washington’s Rules of Professional Conduct (“RPC”), an attorney may withdraw from representation of a client for any reason if “withdrawal can be accomplished without material adverse effect on the interests of the client[.]” RPC 1.16(b)(1). Under Local Civil Rule 83.2(b)(1), moreover, counsel “will ordinarily be permitted to withdraw until sixty days

MOTION FOR LEAVE TO WITHDRAW
(NO. 2:12-CV-00203-JCC) – 1

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1 before the discovery cut off date in a civil case[.]” Rule 83.2(b)(1) thus reflects a presumption of
 2 no prejudice when withdrawal is more than 60 days before the discovery cut off. Here, the
 3 discovery cut off is not until July 5, 2013, and trial is not set to begin until November 4, 2013.
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 6 Perkins Coie’s withdrawal will have no adverse impact on defendant Chemat. Attorney
 7 Teri T. Pham, a partner in the law firm of Enenstein & Ribakoff APC, is currently designated as
 8 the lead attorney for Chemat. Ms. Pham maintains contact with Chemat and opposing counsel
 9 and has been actively involved in Chemat’s representation since she was admitted *pro hac vice*
 10 on January 30, 2013. *See* Dkt. 62. In light of the substantial time remaining before the discovery
 11 cut off and trial dates, Ms. Pham should have no difficulty preparing this case for trial, and the
 12 Enenstein & Ribakoff firm is fully able to locate and educate new local counsel without any
 13 prejudice to Chemat.
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 23 In short, the interests of defendant Chemat have been and will continue to be represented
 24 by able counsel admitted to practice *pro hac vice* before this Court. Accordingly, there will be no
 25 prejudice as a result of Perkins Coie’s withdrawal, and this motion should be granted.
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31 RESPECTFULLY SUBMITTED this 2nd day of May, 2013.
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33 /s/ Ryan Spear

34 Ryan Spear, WSBA No. 39974

35 **Perkins Coie LLP**

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 43 Attorneys for Defendant
 44 Chemat Technology, Inc.
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CERTIFICATE OF SERVICE

I certify that on May 2, 2013, I electronically filed the foregoing MOTION OF PERKINS COIE LLP FOR LEAVE TO WITHDRAW with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following attorney(s) of record:

Timothy Cornell
Mueller Law Group PLLC
130 Trescott Road
Etna, NH 03750

Christina Sherman
Olive Bearb PLLC
1218 Third Ave., Ste. 1000
Seattle, WA 98101

Attorneys for Plaintiff Eye Care of
Snohomish, Inc.

Attorneys for Plaintiff Eye Care of
Snohomish, Inc.

In addition, I caused the foregoing motion to be served directly on defendant Chemat Technology, Inc. ("Chemat") by sending an email message to Haixing (Henry) Zheng, the President of Chemat, to which a copy of the motion was attached, and by mailing a copy to Mr. Zheng, using first-class U.S. Mail, postage pre-paid, at the following address:

Haixing (Henry) Zheng, President
Chemat Technology, Inc.
9036 Winnetka Ave.
Northridge, CA 91324

I certify under penalty of perjury that the foregoing is true and correct.

DATED this 2nd day of May, 2013.

/s/ Ryan Spear

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Attorneys for Defendant
Chemat Technology, Inc.